

K&L GATES LLP

One Newark Center – Tenth Floor
Newark, New Jersey 07102
(973) 848-4000
Attorneys for Defendant
HSBC Finance Corporation
(improperly pleaded as “HSBC”)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DOCUMENT ELECTRONICALLY FILED

| | | |
|---|---|--------------------------|
| CHRISTIAN CRUZ, | : | Civil Action No.: _____ |
| Plaintiff, | : | Honorable _____ |
| v. | : | |
| | : | |
| | : | NOTICE OF REMOVAL |
| HSBC, JUSTIN MOWLES, John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), | : | |
| Defendants. | : | |
| | : | |

Defendant HSBC Finance Corporation (improperly pleaded as “HSBC”) (hereinafter “HSBC”), by and through its attorneys K&L Gates LLP, states as follows:

1. Upon information and belief, on or about October 5, 2009, plaintiff Christian Cruz (hereinafter “plaintiff”) commenced an action by filing a Complaint in the Superior Court of New Jersey, Law Division, Atlantic County, Docket No. ATL-L-003860-09, in which he alleges a claim of defamation and “negligence [that] proximately caused the termination of plaintiff’s employment.” A copy of the Complaint is included in the attached “Exhibit A.”
2. Plaintiff has named “HSBC” and Justin Mowles as defendants in the Complaint.

See Exhibit A.

3. A Summons together with a copy of the Complaint, Case Information Statement, Track Assignment Notice and an Affidavit of Service was delivered by sheriff and first received by HSBC on December 16, 2009.

4. The attached Complaint, Case Information Statement, Summons, Track Assignment Notice and Affidavit of Service constitute all process, pleadings and orders obtained by HSBC in this action. See Exhibit A.

5. This Notice of Removal is being timely filed within 30 days of first receipt of a copy of the Complaint by HSBC pursuant to 28 U.S.C. 1332, based on diversity jurisdiction.

6. Plaintiff is a resident of the State of New Jersey. See Exhibit A.

7. HSBC is incorporated under the laws of the State of Delaware and has its principal place of business in the State of Illinois.

8. Upon information and belief, and as of the date of this notice, defendant Justin Mowles, a non-resident defendant, has not been served with a Summons or a copy of the Complaint.

9. Upon information and belief, Mr. Mowles is currently a resident of the state of Delaware.

10. Since Mr. Mowles has not been served with the Summons or Complaint as of the date of the filing of this notice, his consent to removal is not required. See Balazik v. County of Dauphin, 44 F.3d 209, 213 n4 (3d Cir. 1995); Lewis v. Rego Co., 757 F.2d 66, 68 (3d Cir. 1985); Barrows v. Chase Manhattan Mortgage Corp., 465 F. Supp.2d 347, 369 (D.N.J. 2006).

11. HSBC did not accept service of a Summons on behalf of Mr. Mowles.

12. Although the Complaint does not set forth the specific amount that plaintiff seeks to recover in this action, plaintiff states in his Complaint that he seeks compensatory and punitive damages arising out of an alleged defamatory statement that resulted in the loss of his job. Plaintiff further alleges that the defamatory statement caused him to experience emotional distress, financial loss, and loss of work benefits. Based on the characterization of the alleged damages, the amount of the claims sought in the Complaint exceed the sum or value of \$75,000 exclusive of interest and costs. See Exhibit A.

13. The United States District Court for the District of New Jersey is the federal court for the district and division embracing Atlantic County, New Jersey. 28 U.S.C. § 110.

14. Accordingly, this entire action may be removed to this Court pursuant to 28 U.S.C. §1441.

15. In filing this Notice of Removal, HSBC does not waive any defenses.

16. Upon the filing of this Notice of Removal, HSBC shall promptly give written notice of this removal to plaintiff's attorney and shall file a copy of this Notice with the Clerk of the Superior Court of New Jersey, Law Division, Atlantic County, pursuant to 28 U.S.C. §1446(d).

WHEREFORE, HSBC respectfully requests that this action be removed from the Superior Court of New Jersey, Law Division, Atlantic County, to this Court, and proceed in this Court as an action properly removed thereto.

K&L GATES LLP
Attorneys for Defendant
HSBC Finance Corporation
(improperly pleaded as "HSBC")

Dated: January 11, 2010

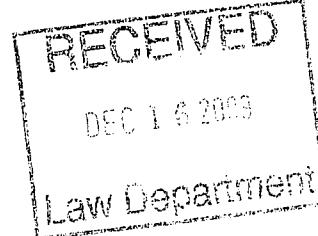
By: s/ Vincent N. Avallone

EXHIBIT A

McAllister, Hyberg, White & Cohen
2111 New Road, Northfield, New Jersey
08225
(609) 407-1000
Attorneys for Plaintiff

| | |
|---|-------------|
| CHRISTIAN CRUZ | Plaintiffs, |
| vs. | |
| HSBC, JUSTIN MOWLES, John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), | Defendants. |

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO. ATL-L-3860-09
CIVIL ACTION
SUMMONS



FROM THE STATE OF NEW JERSEY
TO THE DEFENDANT(S) NAMED ABOVE:

HSBC Finance Corporation
26525 N. Riverwoods Blvd.
Mettawa, IL 60045

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971 Trenton, New Jersey 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 for Law Division and \$135.00 for Chancery Division and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: December 8, 2009

/s/ Jennifer M. Perez
JENNIFER M. PEREZ, CLERK
Superior Court of New Jersey

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section
Room 119
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth Street
Camden, NJ 08103
LAWYER REFERRAL
(609) 964-4520
LEGAL SERVICES
(609) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302
LAWYER REFERRAL
(609) 692-6207
LEGAL SERVICES
(609) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
237 Hall of Records
465 Dr. Martin Luther King, Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(201) 622-6207
LEGAL SERVICES
(201) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096
LAWYER REFERRAL
(609) 848-4589
LEGAL SERVICES
(609) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862
LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(201) 278-9223
LEGAL SERVICES
(201) 345-7171

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(908) 828-0053
LEGAL SERVICES
(908) 249-7600

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL
(609) 678-8363
LEGAL SERVICES
(609) 451-0003

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
71 Monument Park
P.O. Box 1262
Court House, East Wing
Freehold, NJ 0728-1262
LAWYER REFERRAL
(908) 431-5544
LEGAL SERVICES
(908) 866-0020

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 285-6911

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 383-7400

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL
(908) 240-3666
LEGAL SERVICES
(908) 341-2727

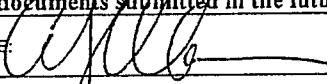
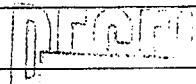
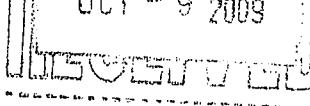
UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 475-2010

Appendix XII-B1

| CIVIL CASE INFORMATION STATEMENT | | | FOR USE BY CLERK'S OFFICE ONLY | |
|---|--|---|--|--|
| (CIS) | | | <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER: | |
| Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed. | | | | |
| ATTORNEY/PRO SE NAME Alan J. Cohen, Esq. | | TELEPHONE NUMBER (609) 407-1000 | COUNTY OF VENUE Atlantic | |
| FIRM NAME (If applicable) McAllister, Hyberg, White & Cohen | | FILED | DOCKET NUMBER (When available) L-3840-09 | |
| OFFICE ADDRESS 2111 New Road, Suite 105 Northfield, NJ 08225 | | REC'D 10/13/2009 ATLANTIC CO. CLERK'S OFFICE 10/13/2009 | DOCUMENT TYPE Complaint | JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| NAME OF PARTY (e.g., John Doe, Plaintiff) Christian Cruz, plaintiff | | CAPTION Christian Cruz v. HSBC, Justin Mowles, John Does 1-10, ABC Partnerships and Corporations 1-10 | | |
| CASE TYPE NUMBER (See reverse side for listing) 609 & 618 | | IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT. | | |
| RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | IF YES, LIST DOCKET NUMBERS | | |
| DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? | | NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN | | |
| THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE. | | | | |
| CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION | | | | |
| DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | IF YES, IS THAT RELATIONSHIP | <input checked="" type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS | |
| DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | |
| USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION: | | | | |
| <input checked="" type="checkbox"/> DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION: | |
| WILL AN INTERPRETER BE NEEDED? | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | IF YES, FOR WHAT LANGUAGE: | |
| I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b). | | | | |
| ATTORNEY SIGNATURE: | |   OCT - 9 2009  | | |

SIDE 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE – PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 699 TORT – OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- 280 Zelnorm
- 285 Stryker Trident Hip Implants

Mass Tort (Track IV)

| | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 279 GADOLINIUM |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE | 282 FOSAMAX |
| 272 BEXTRA/CELEBREX | 283 DIGITEK |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 284 NUVARING |
| 275 ORTHO EVRA | 286 LEVAQUIN |
| 277 MAHWAH TOXIC DUMP SITE | 601 ASBESTOS |
| 278 ZOMETA/AREDIA | 619 VIOXX |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59

McAllister, Hyberg, White & Cohen
2111 New Road, Northfield, New Jersey
08225
(609) 407-1000
Attorneys for Plaintiff

RECEIVED 2009
FILED
OCT 13 2009
ATLANTIC COUNTY
CLERK'S OFFICE
LEWIS WITKOFF

| | |
|---|-------------|
| CHRISTIAN CRUZ | Plaintiffs, |
| vs. | |
| HSBC, JUSTIN MOWLES, John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), | Defendants. |

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO. ATL-L-3860-09
CIVIL ACTION
COMPLAINT
JURY DEMAND

Plaintiff, residing at 1
County of Atlantic,
State of New Jersey, by way of complaint against defendants, states:

FIRST COUNT

1. Plaintiff was an employee at defendant's place of business for seven years.
2. Defendants had a policy that allowed for personal use of the internet at work so long as it "did not interfere with their work, the work of other employees, or the operation of the Company's resources."
3. Plaintiff had used a company computer, during work hours, to purchase a small gift for his young daughter.
4. On or about October 13, 2009, defendant Mowles, a Management Supervisor of defendant HBSC, accused Plaintiff, by defamatory statements to other employees and management at defendant HSBC, alleging "improper computer usage" as a violation of company policy. As a result of this defamatory statement by both Mowles and HSBC, plaintiff was fired from his job, has proximately suffered emotional distress, financial loss and loss of work benefits.

5. These accusations by defendants were false.
6. These accusations were without proof, reasonable investigation or substantiation.
7. These accusations were defamatory *per se* in that they alleged a negative allegation about plaintiff's work duties, ethics and honesty.
8. As a proximate result of the defamatory statements and conduct of defendants aforesaid, defendants have defamed and damaged plaintiff.

WHEREFORE, plaintiff demands judgment against defendants as follows:

- (a) for compensatory damages;
- (b) for punitive damages;
- (c) for interest, costs, and attorneys' fees; and
- (d) for such other and further relief as the court deems proper.

SECOND COUNT

1. Plaintiff repeats the allegations contained in the prior Count.
2. At all times herein, defendant HBSC, Mowles and the fictitiously named defendants either omitted to conduct a reasonable and accurate investigation of the facts and circumstances of the defamatory allegations against Plaintiff or so negligently and deficiently conducted those investigations, that such negligence proximately caused the termination of plaintiff's employment with defendants.
3. As a proximate result of defendant HBSC, their agents, employees and servants acts and/or omissions, plaintiff was damaged,

WHEREFORE, plaintiff demands judgment against defendants as follows:

- (a) for compensatory damages;
- (b) for interest and costs, and
- (c) for such other and further relief as the court deems proper.

THIRD COUNT

1. Plaintiff repeats the allegations contained in the prior Counts.
2. At the present time, the identification of all of the potential fictitious named defendants John Does 1-10, ABC Partnerships and Corporations 1-10 are unknown.
3. In order to preserve his rights against these potential parties and to protect their claims against the applicable Statute of Limitations, plaintiffs hereby makes claims against John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), pursuant to New Jersey Rules of Court 4:26-4.
4. Plaintiffs will amend this Complaint once the identities of these fictitiously named defendants are known.

WHEREFORE, plaintiffs demands judgment against defendants as follows:

- (a) for compensatory damages;
- (b) for punitive damages;
- (c) for interest, costs, and attorneys' fees; and
- (d) for such other and further relief as the court deems proper.

FOURTH COUNT

1. Plaintiff repeats the allegations contained in the prior Counts.
2. At the present time, the identification of all of the potential fictitious named defendants John Does 1-10, ABC Partnerships and Corporations 1-10 are unknown.
3. In order to preserve his rights against these potential parties and to protect their claims against the applicable Statute of Limitations, plaintiffs hereby makes claims

against John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), pursuant to New Jersey Rules of Court 4:26-4.

4. Plaintiffs will amend this Complaint once the identities of these fictitiously named defendants are known.

WHEREFORE, plaintiffs demands judgment against defendants as follows:

- (a) for compensatory damages;
- (b) for punitive damages;
- (c) for interest, costs, and attorneys' fees; and
- (d) for such other and further relief as the court deems proper.

McAllister, Hyberg, White & Cohen
Attorneys for Plaintiff

BY:


ALAN J. COHEN

DATED: October 6, 2009

DEMAND FOR JURY TRIAL

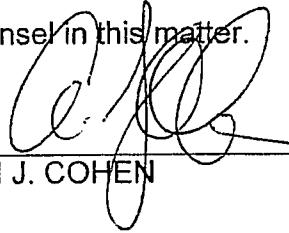
Plaintiff hereby demands a trial by jury as to all issues.


ALAN J. COHEN

DATED: October 6, 2009

DESIGNATION OF TRIAL COUNSEL

ALAN J. COHEN, Esq. is designated as trial counsel in this matter.

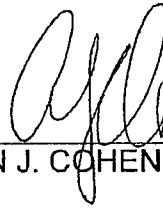

ALAN J. COHEN

DATED: October 6, 2009

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS AND ENTIRE EMPLOYMENT FILE OF PLAINTIFF.

Pursuant to R. 4:10-2(b) and R. 4:18, demand is hereby made that you produce and disclose to the undersigned 35 days after the time of your receiving this Complaint OR the filing of your Answer, whichever is earlier:

- (A) Whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured there under; (e) limitations of insurance coverage (f) whether an Employers Protective Liability Coverage policy exists to cover this claim and (g) whether there is umbrella coverage above the policy limits. If yes, identify the limits of the coverages, and
- (B) Produce any and all employment records, applications, reviews, evaluations, complaints by against anyone (including but not limited to the complaints concerning the incidents complained of in this Complaint) at work or against plaintiff and all payroll and benefit records.
- (C) Include all documents, data, recordings, interview, statements and computer data used in the investigation of the allegations against Plaintiff that he violated company policy by improper use of the computer AND that termination from employment was an appropriate measure of discipline against him as compared to other instances of computer misuse at HBSC.

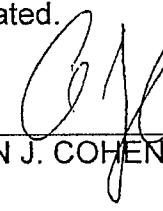


ALAN J. COHEN

DATED: October 6, 2009

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matters in controversy in this action are not the subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.



ALAN J. COHEN

DATED: October 6, 2009

ATLANTIC COUNTY COURT HOUSE
SUPERIOR COURT LAW DIV
1201 BACHARACH BLVD
ATLANTIC CITY NJ 08401

COURT TELEPHONE NO. (609) 345-6700

TRACK ASSIGNMENT NOTICE

COURT HOURS

DATE: OCTOBER 07, 2009
RE: CRUZ CHRISTIAN VS HSBC ET AL
DOCKET: ATL L -003660 09

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON WILLIAM E. NUGENT

AT: (609) 343-2304.
IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ALAN J. COHEN
MCALLISTER HYBERG WHITE & COHE
2111 NEW ROAD
EXECUTIVE PLAZA
NORTHFIELD NJ 08225
SUITE 105
JUDMAGU

RECEIVED
OCT - 9 2009
ATLANTIC COUNTY COURT HOUSE

McAllister, Hyberg, White & Cohen
2111 New Road, Northfield, New Jersey
08225
(609) 407-1000
Attorneys for Plaintiff

| | |
|---|-------------|
| CHRISTIAN CRUZ | Plaintiffs, |
| vs. | |
| HSBC, JUSTIN MOWLES, John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names), | Defendants. |

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO. ATL-L-3860-09
CIVIL ACTION
SUMMONS

FROM THE STATE OF NEW JERSEY
TO THE DEFENDANT(S) NAMED ABOVE:

**HSBC Finance Corporation
26525 N. Riverwoods Blvd.
Mettawa, IL 60045**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971 Trenton, New Jersey 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 for Law Division and \$135.00 for Chancery Division and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: December 8, 2009

/s/ Jennifer M. Perez

JENNIFER M. PEREZ, CLERK
Superior Court of New Jersey

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section
Room 119
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth Street
Camden, NJ 08103
LAWYER REFERRAL
(609) 964-4520
LEGAL SERVICES
(609) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302
LAWYER REFERRAL
(609) 692-6207
LEGAL SERVICES
(609) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
237 Hall of Records
465 Dr. Martin Luther King, Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(201) 622-6207
LEGAL SERVICES
(201) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096
LAWYER REFERRAL
(609) 848-4589
LEGAL SERVICES
(609) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862
LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(201) 278-9223
LEGAL SERVICES
(201) 345-7171

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(908) 828-0053
LEGAL SERVICES
(908) 249-7600

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL
(609) 678-8363
LEGAL SERVICES
(609) 451-0003

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
71 Monument Park
P.O. Box 1262
Court House, East Wing
Freehold, NJ 0728-1262
LAWYER REFERRAL
(908) 431-5544
LEGAL SERVICES
(908) 866-0020

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL
(908) 240-3666
LEGAL SERVICES
(908) 341-2727

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 475-2010

AFFIDAVIT OF SERVICE

CASE NUMBER: ATLL386009 DOCKET NUMBER: 09F1019794 DEPUTY: SD

TITLE: CRUZ VS HSBC

CASE DATE: 10/27/09

EXPIRES: 11/24/09

TIME: 15:11

DEFENDANT:

NAME: HSBC

ADDRESS: 26525 N RIVERWOODS BLVD

METTAWA

SERVICE INFORMATION: I CERTIFY THAT I SERVED THIS SUMMONS AND COMPLAINT ON THE DEFENDANT AS FOLLOWS:

DATE SERVED: _____ TIME SERVED: _____ AM/PM

 PERSONAL SERVICE SUBSTITUTED SERVICE: BY LEAVING A COPY AT THE DEFENDANT'S USUAL PLACE OF ABODE, WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YRS. OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS OF THE SUMMONS AND COMPLAINT, I, OR SOME OTHER AUTHORIZED PERSON, SENT A COPY OF THE SUMMONS IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS/HER USUAL PLACE OF ABODE.

NAME: _____ RELATION: _____

 SERVICE ON: CORPORATION COMPANY BUSINESS PARTNERSHIP
LEFT A COPY OF THE SUMMONS AND COMPLAINT WITH A REGISTERED AGENT ,
AUTHORIZED PERSON , PARTNER . OR OTHER .

NAME: _____

ADDRESS SERVED (IF DIFFERENT THAN ABOVE): _____

STREET: _____

CITY-STATE-ZIP: _____

PERSONAL INFORMATION: SEX: _____ RACE: _____ AGE: _____ EYES: _____
HAIR: _____ HEIGHT: _____ WEIGHT: _____ EMPLOYER: _____NOT SERVED: DATE 11/3/09 / 102THEY ARE STICKING FOR
PROPER TITLES HERE - WILL
NOT ACCEPT ANYTHING
THAT JUST SAYS HSBC -
RE-TITLE HSBC FINANCE
CORPORATION & THEY WILL
ACCEPT

 02 RETURNED NOT FOUND MOVED 07 RNF NEVER HOME
 03 RNF NOT AT GIVEN ADDRESS 08 RNF DEFENDANT DECEASED
 04 RNF NO LONGER EMPLOYED 09 RNF OTHER
 05 RNF REFUSED TO OPEN DOOR 10 ACTION SCHEDULED
 06 RNF COURT DATE RAN OUT OTHER

ATTEMPTS:

1) DATE: _____ TIME: _____ NOTES: _____
 2) DATE: _____ TIME: _____ NOTES: _____
 3) DATE: _____ TIME: _____ NOTES: _____
 4) DATE: _____ TIME: _____ NOTES: _____

COMMENTS:

MARK C. CURRAN, JR.
SHERIFF OF LAKE COUNTY

NOV - 9 2009

BY DEPUTY: _____